

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 IO-14 ISO-00 AF-10 ARA-16 EA-11 NEA-10

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19 SY-10

CPR-02 USSS-00 DRC-01 /196 W
----- 060189

R 240244Z OCT 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 442

INFO AMEMBASSY PARIS

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E.O. 11652: N/A

TAGS: PINS, UNGA

SUBJ: UNGA -- LEGAL COMMITTEE -- PROTECTION OF DIPLOMATS

1. SUMMARY: DRAFTING COMITE MET OCT 23 AND CONSIDERED ARTICLES 1 AND 3 OF CONVENTION ON PROTECTION OF DIPLOMATS. NEW AMENDMENT SPONSORED BY BELGIUM, SPAIN AND THAILAND TO ARTICLE 2 CIRCULATED OCT 23 (TRANSMITTED SEPTTEL). FRENCH REP HAS PROMISED TO BELGIUM AND NETHERLANDS REPS NOT REPEAT NOT TO INTRODUCE NEW AMENDMENT ON MOTIVE. LEGAL COMITE SCHEDULE FOR WEEK OCT 22 ENVISAGES POSSIBLY TAKING UP ITEM ON CONFERENCE ON IO/STATES RELATIONS OR ITEM ON UNCITRAL AFTERNOON OCT 25. REPORTS ON DISCUSSION OF ARTICLE 12 (DISPUTE SETTLEMENT) AND OF ASYLUM AMENDMENT CONTAINED SEPTELS. END SUMMARY.

2. AT DRAFTING COMITE MEETING FRENCH REP REITERATED PROPOSAL TO SUBSTITUTE IN ARTICLE 1(1)(B) FOR THE WORDS "IS ENTITLED PURSUANT TO INTERNATIONAL LAW TO SPECIAL PROTECTION FROM ANY ATTACK ON HIS PERSON, FREEDOM OR DIGNITY" THE WORDS "IS ENTITLED TO IMMUNITY FROM JURISDICTION IN RESPECT OF ACTS PERFORMED OR ACTS COMMITTED IN THE PERFORMANCE
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OF DUTIES." ALL DESL THAT SPOKE ON FRENCH PROPOSAL REACTED

NEGATIVELY TO REOPENING COMPROMISE TEXT

TRANSMITTED USUN 3986 (A/C.6/SR.12/R.3).

3. UAE REPEATED PROPOSAL TO INSERT IN PARAGRAPH 1(B) OF ARTICLE 1 WORDS "WHETHER OR NOT HE IS A NATIONAL OF THE SENDING STATE PROVIDED THAT HE IS NOT A NATIONAL OR RESIDENT OF EITHER THE RECEIVING OR HOST STATE." (SEE USUN 4035 FOR BACKGROUND.) SEVERAL QUESTIONED WHETHER CONVENTION ON PROTECTION OF DIPLOMATS APPROPRIATE PLACE TO DEAL WITH THIS ISSUE, BUT NO ONE OBJECTED TO SUBSTANCE. UAE REP REPEATED THT HE STILL CONSIDERING FORMALLY TABLING AMENDMENT IN SIXTH COMITE.

4. SUBJECT TO FRENCH RESERVATION, OTHERS HAVING DROPPED THEIR RESERVATIONS, DRAFTING COMMITTEE ADOPTED TEXT OF ARTICLE 1 CONTAINED USUN 3986.

5. COOITE NEXT CONSIDERED ARTICLE 3. CHAIRMAN (SAHOVIC) ASKED WHETHER RETURN TO ILC TEXT COULD PROVE WAY OUT OF IMPASSE, BUT DURING DISCUSSION TREND FAVORING NEW VERSION OF FRG COMPROMISE PROPOSAL EMERGED. PROPOSAL, WHICH FOLLOWS, WILL BE BASIS FOR DRAFTING COMITE CONSIDERATION OF ARTICLE 3 OCT 24.

BEGIN TEXT: STATES PARTY SHALL COOPERATE IN THE PREVENTION OF THE CRIMES SET FORTH IN ARTICLE 2 PARTICULARLY BY:

(A) TAKING ALL PRACTICABLE MEASURES TO PREVENT THE PREPARATION IN THEIR RESPECTIVE TERRITORIES FOR THE COMMISSION OF THOSE CRIMES EITHER (WITHIN OR OUTSIDE THEIR OWN TERRITORIES) (IN THEIR OWN OR IN OTHER STATES);

(B) EXCHANGING INFORMATION AND COORDINATING THE TAKING OF ADMINISTRATIVE AND OTHER MEASURES AS APPROPRIATE TO PREVENT THE COMMISSION OF THOSE CRIMES. END TEXT.

6. GERMANS ALSO CONTINUE TO RESS FOR INCLUSION AS PARA 2 OF ARTICLE 3 OR AS SEPARATE ARTICLE OF PARA MAKING

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ON WHOSE BEHALF INTERNATIONALLY PROTECTED PERSON EXERCISED FUNCTINS TO FULLEST POSSIBLE INFORMATION, WITHOUT DELAY, IN CASE OF CRIME UNDER ARTICLE 2. INCLUSION SUCH PROVISION NOT YET ACCEPTED BY DRAFTING COMMITTEE.

7. ON ACTO 23, VAN BRUSSELEN (BELGIUM) REPORTED PRIVATELY TO DELOFFS THAT JOUANNEAU (FRANCE) HAD PROMISED VAN BRUSSELEN AND WEHRY (NETHERLANDS) THAT FRANCE WOULD NOT INTRODUCE

ANY FORMAL AMENDMENT ON MOTIVE AND WOULD NOT IN HIS
INTERVENTION ORALLY PROPOSE ANY SPECIFIC LANGUAGE WHEN
ARTICLE 2 RECONSIDERED BY LEGAL COMMITTEE ON OCT 24.
COMMENT: THIS SIGNIFICANT TURN AROUND FROM POSITION
TRANSMITTED USUN 4059, WHICH USDEL HAD NOT ANTICIPATED.
WE MIGHT ATTRIBUTE THIS SUCCESS TO (A) HELPFUL EARLIER
EFFORTS BY AMEMBASSY PARIS; (B) DEMARCHE BY AMB. SCHAUFELLE
TO LECOMPT (FRANCE) OCT 22; AND (C) TOTAL ISOLATION OF FRENCH
FROM REST OF WEO GROUP AT MEETING REPORTED USUN 4141,
PARA 6 (NOTAL). END COMMENT.

8. DURING LEGAL COMMITTEE MEETING OCT 23, CHAIRMAN
(GONZALES-GALVEZ) ANNOUNCED THAT IF LEGAL COMITE HAD
SPARE TIME IT WOULD TURN TO ITEM ON EITHER IO/STATE
RELATIONS OR ON UNCITRAL FOR AFTERNOON OCT 25.
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